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**STATE OF IOWA**

# **Senate Journal**

**THURSDAY, MAY 16, 2013**

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## JOURNAL OF THE SENATE

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ONE HUNDRED TWENTY-THIRD CALENDAR DAY  
SEVENTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, May 16, 2013

The Senate met in regular session at 10:32 a.m. President Jochum presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Dalton Schmit.

The Journal of Wednesday, May 15, 2013, was approved.

### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 15, 2013, **concurred** in the Senate amendment **and passed** the following bill in which he concurrence of the House was asked:

**House File 641**, a bill for an act authorizing the establishment of reinvestment districts following approval of the economic development authority board, providing for the remittance of certain state sales tax revenues and certain state hotel and motel tax revenues to municipalities, establishing a state reinvestment district fund, and making appropriations.

The Senate stood at ease at 10:35 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:19 p.m., President Jochum presiding.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Behn, Houser, and Kapucian, until they arrive, on request of Senator Dix.

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 406](#)

Senator Hogg called up for consideration [Senate File 406](#), a bill for an act relating to involuntary commitments for persons with substance-related disorders, mental illness, and intellectual disabilities, and providing for the creation of an office of mental health advocate in the department of human rights and including effective date provisions, amended by the House in House amendment [S-3252](#), filed May 15, 2013.

Senator Hogg moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hogg moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 406](#)), the vote was:

Yeas, 47:

Anderson	Danielson	Hogg	Segebart
Beall	Dearden	Horn	Seng
Bertrand	Dix	Jochum	Sinclair
Black	Dotzler	Johnson	Smith
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Ernst	McCoy	Sorenson
Bowman	Feenstra	Petersen	Taylor
Brase	Greiner	Quirnbach	Whitver

Breitbach	Gronstal	Ragan	Wilhelm
Chapman	Guth	Rozenboom	Zaun
Chelgren	Hart	Schneider	Zumbach
Courtney	Hatch	Schoenjahn	

Nays, none.

Absent, 3:

Behn	Houser	Kapucian
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 640 and 615.

#### House File 640

On motion of Senator Hogg, House File 640, a bill for an act relating to liquids which are flammable or combustible, by providing for the storage, marketing, and distribution of such liquids, providing for the marketing and distribution of liquids classified as motor fuel, including a conventional blendstock for oxygenate blending, and blended and unblended gasoline and diesel fuel, providing for liability, extending the period for determining the rates of the motor fuel tax based on calculating the distribution of ethanol blended gasoline and other motor fuel, including fees and penalties, and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hogg offered amendment S-3251, filed by the committee on Ways and Means on May 15, 2013, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Feenstra withdrew amendment S-3255, filed by him from the floor to pages 1 and 6 of amendment S-3251.

Senator Hogg offered amendment [S-3257](#), filed by him from the floor to page 1 of amendment [S-3251](#), and moved its adoption.

Amendment [S-3257](#) to amendment [S-3251](#) was adopted by a voice vote.

Senator Zumbach offered amendment [S-3256](#), filed by him from the floor to page 5 of amendment [S-3251](#), and moved its adoption.

Amendment [S-3256](#) to amendment [S-3251](#) was adopted by a voice vote.

Senator Hogg moved the adoption of amendment [S-3251](#), as amended.

Amendment [S-3251](#), as amended, was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 640](#)), the vote was:

Yeas, 47:

Anderson	Danielson	Hogg	Segebart
Beall	Dearden	Horn	Seng
Bertrand	Dix	Jochum	Sinclair
Black	Dotzler	Johnson	Smith
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Ernst	McCoy	Sorenson
Bowman	Feenstra	Petersen	Taylor
Brase	Greiner	Quirmbach	Whitver
Breitbach	Gronstal	Ragan	Wilhelm
Chapman	Guth	Rozenboom	Zaun
Chelgren	Hart	Schneider	Zumbach
Courtney	Hatch	Schoenjahn	

Nays, none.

Absent, 3:

Behn	Houser	Kapucian
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### House File 615

On motion of Senator Dotzler, [House File 615](#), a bill for an act relating to the innovation fund investment tax credit by modifying the tax credit and the authority and duties of the Iowa innovation corporation relating to the tax credit, and including effective date and retroactive applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dotzler offered amendment [S-3250](#), filed by the committee on Ways and Means on May 15, 2013, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-3250](#) was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 615](#)), the vote was:

Yeas, 46:

Anderson	Dearden	Horn	Seng
Beall	Dix	Jochum	Sinclair
Bertrand	Dotzler	Johnson	Smith
Black	Dvorsky	Mathis	Sodders
Boettger	Ernst	McCoy	Sorenson
Bolkcom	Feenstra	Petersen	Taylor
Bowman	Greiner	Quirnbach	Whitver
Brase	Gronstal	Ragan	Wilhelm
Breitbach	Guth	Rozenboom	Zaun
Chapman	Hart	Schneider	Zumbach
Courtney	Hatch	Schoenjahn	
Danielson	Hogg	Segebart	

Nays, 1:

Chelgren

Absent, 3:

Behn	Houser	Kapucian
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 406](#) and **House Files 615** and **640** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 599](#).

[House File 599](#)

On motion of Senator Brase, [House File 599](#), a bill for an act relating to beginning farmers by modifying the agricultural assets transfer tax credit, providing a custom farming contract tax credit, and terminating the agricultural loan assistance program, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Brase offered amendment [S-3259](#), filed by him from the floor to pages 1, 2, 9, and 12 of the bill, and moved its adoption.

Amendment [S-3259](#) was adopted by a voice vote.

Senator Brase moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 599](#)), the vote was:

Yeas, 47:

Anderson	Danielson	Horn	Segebart
Beall	Dix	Jochum	Seng
Bertrand	Dotzler	Johnson	Sinclair
Black	Dvorsky	Kapucian	Smith
Boettger	Ernst	Mathis	Sodders
Bolkcom	Feenstra	McCoy	Sorenson
Bowman	Greiner	Petersen	Taylor
Brase	Gronstal	Quirnbach	Whitver
Breitbach	Guth	Ragan	Wilhelm

Chapman	Hart	Rozenboom	Zaun
Chelgren	Hatch	Schneider	Zumbach
Courtney	Hogg	Schoenjahn	

Nays, 1:

Dearden

Absent, 2:

Behn                      Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### CONFERENCE COMMITTEE REPORT RECEIVED

##### [Senate File 435](#)

A conference committee report, signed by the following Senate and House members, was filed May 16, 2013, on [Senate File 435](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection:

On the part of the Senate:

DENNIS H. BLACK, Chair  
DICK L. DEARDEN  
MARY JO WILHELM

On the part of the House:

JACK DRAKE, Chair  
BRUCE BEARINGER  
PAT GRASSLEY  
JARAD KLEIN  
PATTI RUFF

#### CONFERENCE COMMITTEE REPORT CONSIDERED

##### [Senate File 435](#)

Senator Black called up the conference committee report on [Senate File 435](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, filed on May 16, 2013, and moved its adoption.



The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 435](#)), the vote was:

Yeas, 29:

Beall	Dotzler	Kapucian	Segebart
Black	Dvorsky	Mathis	Seng
Bolkcom	Gronstal	McCoy	Sodders
Bowman	Hart	Petersen	Taylor
Brase	Hatch	Quirmbach	Wilhelm
Courtney	Hogg	Ragan	
Danielson	Horn	Rozenboom	
Dearden	Jochum	Schoenjahn	

Nays, 19:

Anderson	Chelgren	Guth	Sorenson
Bertrand	Dix	Johnson	Whitver
Boettger	Ernst	Schneider	Zaun
Breitbart	Feenstra	Sinclair	Zumbach
Chapman	Greiner	Smith	

Absent, 2:

Behn	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 435](#) and [House File 599](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 489](#).

[House File 489](#)

On motion of Senator McCoy, [House File 489](#), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including applicability and effective date provisions, placed on the Unfinished Business Calendar on April 11, 2013, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McCoy offered amendment [S-3129](#), filed by the committee on Commerce on April 8, 2013, to pages 1, 8, and 15–17 of the bill.

Senator McCoy offered amendment [S-3146](#), filed by him on April 11, 2013, to pages 1 and 7–9 of amendment [S-3129](#), and moved its adoption.

Amendment [S-3146](#) to amendment [S-3129](#) was adopted by a voice vote.

Senator McCoy moved the adoption of amendment [S-3129](#), as amended.

Amendment [S-3129](#), as amended, was adopted by a voice vote.

Senator McCoy withdrew amendment [S-3253](#), filed by him from the floor to page 1 and amending the title page of the bill.

Senator McCoy offered amendment [S-3258](#), filed by him from the floor to pages 1 and 11 and amending the title page of the bill, and moved its adoption.

Amendment [S-3258](#) was adopted by a voice vote.

Senator McCoy withdrew amendment [S-3254](#), filed by him from the floor to page 3 of the bill.

Senator McCoy offered amendment [S-3260](#), filed by him from the floor to page 18 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3260](#) be adopted?” ([H.F. 489](#)), the vote was:

Yeas, 26:

Beall	Dearden	Horn	Schoenjahn
Black	Dotzler	Jochum	Seng
Bolkcom	Dvorsky	Mathis	Sodders
Bowman	Gronstal	McCoy	Taylor
Brase	Hart	Petersen	Wilhelm
Courtney	Hatch	Quirnbach	
Danielson	Hogg	Ragan	

Nays, 22:

Anderson	Dix	Kapucian	Sorenson
Bertrand	Ernst	Rozenboom	Whitver
Boettger	Feenstra	Schneider	Zaun
Breitbach	Greiner	Segebart	Zumbach
Chapman	Guth	Sinclair	
Chelgren	Johnson	Smith	

Absent, 2:

Behn	Houser
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Amendment [S-3260](#) was adopted.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 489](#)), the vote was:

Yeas, 48:

Anderson	Danielson	Hogg	Schoenjahn
Beall	Dearden	Horn	Segebart
Bertrand	Dix	Jochum	Seng
Black	Dotzler	Johnson	Sinclair

Boettger	Dvorsky	Kapucian	Smith
Bolkcom	Ernst	Mathis	Sodders
Bowman	Feenstra	McCoy	Sorenson
Brase	Greiner	Petersen	Taylor
Breitbach	Gronstal	Quirmbach	Whitver
Chapman	Guth	Ragan	Wilhelm
Chelgren	Hart	Rozenboom	Zaun
Courtney	Hatch	Schneider	Zumbach

Nays, none.

Absent, 2:

Behn                      Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 489](#) be **immediately messaged** to the House.

#### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 16, 2013, **concurred** in the Senate amendment to the House amendment **and passed** the following bill in which the concurrence of the House was asked:

[Senate File 396](#), a bill for an act relating to government operations and efficiency and other related matters, making an appropriation, and including effective date and applicability provisions.

The Senate stood at ease at 3:08 p.m. until the fall of the gavel.

The Senate resumed session at 6:43 p.m., President Jochum presiding.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 16, 2013, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 649](#), a bill for an act relating to the liability of a land holder for the public use of private lands and waters for a recreational purpose or urban deer control.

Read first time and referred to committee on **Government Oversight**.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 6:44 p.m. until the fall of the gavel.

## RECONVENED

The Senate reconvened at 6:54 p.m., President Jochum presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 16, 2013, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

[House File 599](#), a bill for an act relating to beginning farmers by modifying the agricultural assets transfer tax credit, providing a custom farming contract tax credit, and terminating the agricultural loan assistance program, and including effective date and retroactive applicability provisions.

[House File 615](#), a bill for an act relating to the innovation fund investment tax credit by modifying the tax credit and the authority and duties of the Iowa innovation corporation relating to the tax credit, and including effective date and retroactive applicability provisions.

ALSO: That the House has on May 16, 2013, **adopted** the conference committee report **and passed** [House File 604](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters.

The Senate stood at ease at 6:55 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:21 p.m., President Jochum presiding.

## FINAL COMMITTEE REPORT OF BILL ACTION

### GOVERNMENT OVERSIGHT

**Bill Title:** [HOUSE FILE 649](#), a bill for an act relating to the liability of a land holder for the public use of private lands and waters for a recreational purpose or urban deer control.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 5: Petersen, Schoenjahn, Sorenson, Greiner, and McCoy. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Chelgren, until he returns, on request of Senator Dix.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 649](#).

### [House File 649](#)

On motion of Senator Petersen, [House File 649](#), a bill for an act relating to the liability of a land holder for the public use of private lands and waters for a recreational purpose or urban deer control, with report of committee recommending passage, was taken up for consideration.

Senator Petersen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 649](#)), the vote was:

Yeas, 48:

Anderson	Danielson	Hogg	Schoenjahn
Beall	Dearden	Horn	Segebart
Behn	Dix	Jochum	Seng
Bertrand	Dotzler	Johnson	Sinclair
Black	Dvorsky	Kapucian	Smith
Boettger	Ernst	Mathis	Sodders
Bolkcom	Feenstra	McCoy	Sorenson
Bowman	Greiner	Petersen	Taylor
Brase	Gronstal	Quirmbach	Whitver
Breitbach	Guth	Ragan	Wilhelm
Chapman	Hart	Rozenboom	Zaun
Courtney	Hatch	Schneider	Zumbach

Nays, none.

Absent, 2:

Chelgren                Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### CONFERENCE COMMITTEE REPORT RECEIVED

#### [House File 604](#)

A conference committee report, signed by the following Senate and House members, was filed May 16, 2013, on [House File 604](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters:

On the part of the Senate:

BRIAN SCHOENJAHN, Chair  
WALLY E. HORN  
HERMAN C. QUIRMBACH

On the part of the House:

CECIL DOLECHECK, Chair  
CURT HANSON  
RON JORGENSEN  
ROB TAYLOR

## CONFERENCE COMMITTEE REPORT CONSIDERED

[House File 604](#)

Senator Schoenjahn called up the conference committee report on [House File 604](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters, filed on May 16, 2013, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 604](#)), the vote was:

Yeas, 27:

Beall	Danielson	Hogg	Ragan
Bertrand	Dearden	Horn	Schoenjahn
Black	Dotzler	Jochum	Seng
Bolkcom	Dvorsky	Mathis	Sodders
Bowman	Gronstal	McCoy	Taylor
Brase	Hart	Petersen	Wilhelm
Courtney	Hatch	Quirmbach	

Nays, 21:

Anderson	Ernst	Rozenboom	Whitver
Behn	Feenstra	Schneider	Zaun
Boettger	Greiner	Segebart	Zumbach
Breitbach	Guth	Sinclair	
Chapman	Johnson	Smith	
Dix	Kapucian	Sorenson	

Absent, 2:

Chelgren	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.



### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 649](#) be **immediately messaged** to the House.

The Senate stood at ease at 7:51 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 10:00 p.m., President Jochum presiding.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:01 p.m. until 10:30 a.m., Friday, May 17, 2013.

### APPENDIX

#### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### AUDITOR OF STATE

Special Investigation of the City of Indianola 6/1/06–8/31/12 Report, pursuant to Iowa Code section 11.6. Report received on May 16, 2013.

#### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Lucas M. Sibley – For his 5 years of service with Edward Jones. Senator Zaun.

#### REPORT OF COMMITTEE MEETING

#### GOVERNMENT OVERSIGHT

**Convened:** Thursday, May 16, 2013, 6:45 p.m.

**Members Present:** Petersen, Chair; Schoenjahn, Vice Chair; Sorenson, Ranking Member; Greiner, and McCoy.

**Members Absent:** None.

**Committee Business:** Passed [HF 649](#).

**Adjourned:** 6:50 p.m.

### MOTION TO RECONSIDER FILED

MADAM PRESIDENT, I move to reconsider the vote by which [House File 604](#) passed the Senate on May 16, 2013.

MICHAEL E. GRONSTAL

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 16, 2013, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 432](#) – Relating to the administration of the tax and related laws of the department of revenue, including administration of income taxes, sales and use and excise taxes, an environmental protection charge, and property taxes.

[Senate File 433](#) – Relating to the requirements and administration of the targeted jobs withholding credit pilot project and including applicability provisions.

[Senate File 436](#) – Relating to the historic preservation and cultural and entertainment district tax credit by modifying the total amount of tax credits that may be issued, the definition of substantial rehabilitation costs, and the qualifications for certain projects, and including effective date and applicability provisions.

### AMENDMENTS FILED

<a href="#">S-3253</a>	<a href="#">H.F. 489</a>	Matt McCoy
<a href="#">S-3254</a>	<a href="#">H.F. 489</a>	Matt McCoy
<a href="#">S-3255</a>	<a href="#">H.F. 640</a>	Randy Feenstra
<a href="#">S-3256</a>	<a href="#">H.F. 640</a>	Dan Zumbach
<a href="#">S-3257</a>	<a href="#">H.F. 640</a>	Robert M. Hogg
<a href="#">S-3258</a>	<a href="#">H.F. 489</a>	Matt McCoy
<a href="#">S-3259</a>	<a href="#">H.F. 599</a>	Chris Brase
<a href="#">S-3260</a>	<a href="#">H.F. 489</a>	Matt McCoy